1947.

File No. Cotton Cloth & Yarn (Control) II

Legal **DEPARTMENT**

B **BRANCH**

1/13 **Subject:—** Rules and notifications under the cotton cloth and yarn (control) Order, 1945.

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File No. Cotton Cloth & Yarn (control) II/47

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C O N T E N T S.

Legal Department File No. Cotton Cloth & Yarn (Control)II/47

Sr. No.	Compilation No.	Subject	Pages.
		The Cotton Cloth and Yarn (Control) Order, 1948.	
1.	UR to CSD No. 2787 dated 22-3-47	Clause 10 B - Notification under-	1 - 4
2.	UR to CSD No. 6162 dated 14-6-47	Clause 10 B - Notification under-	5 - 8
3.	GN, Deptt. Ind.& Supplies No.82 -I/ TA-46 dated 30-4-47	Clause 10 - Notification under -	9 - 24 (Not Copied)
4.	-do- No. 82-2/TA-46	Clause 10 - -do-	25 - 34 (Not Copied)
5.	-do- -do- dated 6-5-47	Clause 10 - -do-	35 - 46 (Not Copied)
6.	-	Additi n of Schedule HH	45 - 82 (Not Copied)
7.	GN No. 82/2-TA/47 dated 9-6-47	Clause 10 - Notification under -	83 - 88 (Not Copied)
8.	GN CSD No. 618 dated 19-6-47	Clause 10 - -do-	89 -100 (Not Copied)
9.	GN CSD No. 618-A dated 14-6-47	Clause 10 - -do-	101-120 (Not Copied)
10.	GN CSD No. 61u-B dated 5-7-47	Sec. 3 of ES(TP) Act, 1946 - Notification under -	121-122 (Not Copied)
11.	GN CSD No. 618 dated 8-7-47	Sec. 3 - Notificati on under -	123-124 (Not Copied)
12.	GN CSD No. 618-C dated 8-7-47	Sec. 3 - -do-	125-128 (Not Copied)
13.	UR to P.T.C. No.13240 dated 20-12-47	Draft Order -Scrutiny of	129-132

V.G./8-5

Office of the R.L.A.

In place of the proposed draft order at p.3, a revised draft thereof is sent herewith.

sd/-

Remembrancer of Legal Affairs.

U.R.to C.S.D., No. 2787 dated the 22nd March 1947.

KJV.G/ 9-5
4 C.

Civil Supplies Department,

Bombay Castle, 1947.

ORDER.

Cotton Cloth and Yarn (Control) Order, 1945.

No. In exercise of the powers conferred by clause 10B of the Cotton Cloth and Yarn (Control) Order, 1945, the Government of Bombay is pleased to authorise the officers specified in column 1 of the Schedule hereto appended -

(1) to fix, within the areas respectively specified against them in column 2 thereof, the maximum prices, e x-factory, wholesale and retail, at which -

(a) cloth produced by a manufacturer who does not manufacture any yarn and who had his possession or under his control power-loom factories without spinning plant havi not more than 4 powerlooms on the 1st Ja January 19444and

(b) handloom cloth produced by a person engage solely in any process ancillary to the production of cloth and yarn,

may be sold; and

(2) to specify the markings to be made on such clot and the time and manner of making them.

SCHEDULE.

1	2
1. Provincial Textile Controller, Bombay.	City of Bombay and the Bombay Suburban District.
2. District Magistrates.	Areas of their respective jurisdictions.

By order of the Governor of Bombay,

Secretary to Government.

K.V.G. /9-5

4 C.

Office of the R.L.A.

Arevised draft norification is sent herewith.

Clause (i) of the Provincial Textile Controller, Bombay's Order No. 98-D, dated the 31st May 1946, fixes the maximum selling price of cloth in the town where it was manufactured, where the sale is made by a B dealer to another B dealer carrying on business in any other town. The intention now is to fix a higher percentage in the case of cloth manufactured in the Province of Bombay outside the following areas (i) the City of Bombay (ii) the Bombay Suburban District (iii) the Ahmedabad Municipal Borough and (iv) the Sholapur District As the latter provision controls the general provision of clause (i) of the principal Order, it has been added as a proviso to clause (i) of the principal Order instead of as the clause (iii) thereof as proposed by the Civil Supplies Department.

Other consequential changes have been carried out in the draft notification.

Sd/-

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. 6162

Dated the 14th June 1947.

K.V.G. / 9-5

4 C.

7

NOTIFICATION.

Bombay, June 1947.

No. In exercise of the powers conferred by sub-clause (b) of clause 10 of the Cotton Cloth and Yarn (Control) Order, 1945, read with the Textile Commissioner's Notification No.T.C. (29)/45, dated the 17th September 1945, I hereby direct that the following amendments shall be made in the notification of the Provincial Textile Controller, Bombay, No. 98-D, dated the 31st May 1946, namely:-

In the said notification,-

(a) in clause (i) for the words "another B dealer" the words " a dealer" shall be substituted;

(b) to clause (i) the following proviso shall be added, namely:-

"Provided that in respect of cloth manufactured by a manufacturer in the province of Bombay outside the areas of (i) the City of Bombay, (ii) the Bombay Suburban District as constituted immediately before the 1st day of October 1945, (iii) the Ahmedabad Municipal Borough and (iv) the Sholapur District, the maximum wholesale price shall be 6% above the ex-factory price where the sale is made by a B dealer to any other dealer;"

(c) after clause (ii) the following new clause shall be inserted and the existing clause (iii) shall be renumbered as clause (iv):-

"(iii) in the case of cloth manufactured by a manufacturer outside the Province of Bombay -

(a) 6 per cent. above the ex-factory price where the sale is made by a B dealer to another dealer in the same town;

(b) 4½ per cent. above the ex-factory price where the sale is made by a B dealer to a dealer in any other town."

K.V.G./ /5-5
4 C-

Provincial Textile Controller, Bombay.

O R D E R.

Bombay ---- 1947.

In pursuance of Government order in the Civil Supplies Department, No. 518/VII, dated the 29th March 1947, I - - - - - - - - Provincial Textile Controller, Bombay,/District Magistrate - - - -, hereby speficy the markings to be made and the times and manner of making them on cloth produced within the limits of the City of Bombay and the Bombay Suburbum District as constituted immediately before the 1st day of October 1946,/ district of - - - - - - - - by manufacturers who do not manufacture any yarn and who had in their possession or under their control powerloom factories without spinning plant having not more than four powerlooms on the 1st day of January 1944, as follows, namely:-

Every manufacturer of such powerloom cloth shall, in additions to the markings prescribed in the Textile Commissioner's Notification, No. T.C. (6) 1/44, dated the 19th February 1944, as modified from time to time, mark or cause to be marked in the manner speficied below the following markings in letters and figures not less than ½ inch in height on cloth manufactured by him, namely:

(a) Each piece of cloth other than that specified in paragraph (b) shall be stamped at a distance not exceeding one yard from one end with -

(i) the ex-factory price of such cloth, that is to say, the maximum ex-factory price of the particular descri tion of the cloth specified by the Provincial Textile Controller, Bombay,/ District Magistrate,- - - or the contract price, whichever is less.

(Note- If the actual length of the piece is not the standard length specified by the Provincial Textile Controller, Bombay,/ District Magistrate - - - the price proportionate to the actual length shall be stamped or, in the alternative, the price per yard calculated to the nearest pie);

(ii) the retail price of the cloth per yard, t

that is to say, the maximum ex-factory price of the particular description of cloth, or contract price, whichever is less, increased by 20 per cent thereof.

(b) Each piece of such powerloom cloth comprising of a pair of dhoties, sarees, towels, chaddars or other items ordinarily sold in pairs shall be stamped with the price per pair as in (a) (i) and (a) (ii), provided that if the piece consists of a single such item, half the price of that item shall be stamped.

(c) Each handkerchief shall be marked in legible letters with the following:-

(i) the name of the manufacturer,

(ii) the maximum retail price specified by the provincial Textile Controller, Bombay,/District Magistrate - - or the contract price plus 20 per cent. whichever is less.

(d) The stamping of cloth as in (a) to (c) shall be on the face plait of the cloth.

2. Every such manufacturer shall also mark or caused to be marked on such powerloom cloth manufactured by him all other markings prescribed in the Textile Commissioner's Notification, No. 34-Tex.A(15)-2/43, dated the 31st December 1943, as modified from time to time, in respect of cloth woven by a manufacturer not manufacturing any yarn and having in his possession or under his control 25 or more powerlooms on 1st January 1944. These markings shall be made at the time and in the manner prescribed in the said notification of the Textile Commissioner, dated the 31st December 1943.

3. Nothing in this order shall apply to -

(1) Junnadi Sarees;

(2) any cloth manufactured by a person for his bonafide personal requirements.

P.V.C./9-5

PROVINCIAL TEXTILE CONTROLLER, BOMBAY,
District Magistrate.....

4 C.

Office of the R.L.A.

A revised draft order is sent herewith.

2. As pointed out in R.L.A's opinion No. 8623, dated th 28th August 1947 (p. 17 ante), the only two things that t Provincial Textile Controller and the District Magistrate can do under the Government Order dated 29th March 1947 (p.1ante), are:-

(i)to fix the maximum prices of the cloth mentioned therein and

(ii) to specify the markings to be made on such cloth the time andmanner of making them.

3. Clause 1 of the draft order at p. 7 ante, which pro for definitions is unnecessary and has, therefore, been deleted from the revised draft Order. Clauses 2 and3, wh impose a ban on the sale, delivery or possession, etc., of any cloth are outside the scope of the Order dated 29th March 1947. They have, therefore, been deleted.

4. Clause 4 of the draft at p.8 ante is relevant and is within the scope of the said Order. The provisions of this clause are included in clause 1 of the revised draft order.

5. Clause 5 of the draft at p.9 ante is also relevant and has been included as clause 2 of the revised draft ord As pointed out in R.L.A's Opinion No. 8623, dated25-8-194 it is advisable to specify in the proposed order itself th markings and the time and manner referred to in the Textil Commissioner's Notification No. 34-Tex.A(15)-2/43, dated the 31st December 1943, otherwise the order may to that ex tent be held to be vague and indefinite. The Provincia Textile Controller, may therefore reconsider whether it would not be possible to specify the same in the proposed order.

6. Clauses 6 and 7 of the P.T.C's draft are outside the scope of the Government Order dated the 29th March 194 (p.1ante). If necessary, the provisions of these clauses may be issued by way of a press note. There is no objectio

to publishingthe prices in the Official Gazette. It is not necessary to include a provision to that effect in orderto be issued and it would not be appropriate to include such a provision in the Order.

7. Clause 8 of the draft at p.10 ante provides that the Provincial Textile Controller or the District Magistrate may exempt by a general or special Order any powerloom cloth from all or any of the provisions of this Order. The present Order itself is issued by the Provincial Textile Controller or the District Magistrate. The Provincial Textile Controller or the District Magistrate has the power at any time to amend this order and exclude any particular powerloom cloth from the application of this order. It would not be appropriate to include a provision in the present order as worded in clause 8 of the draft at p. 10 ante. The proper course would be to amend the present order providing specifically that the provisions of the order shall not apply to a particular powerloom cloth. This can be done by an addition to the classes of cloth mentioned in clause 9 of the draft at p.10 ante or clause 3 of the revised draft order. Clause 8, therefore, has not been included in the revised draft.

8. The provisions of clause 9 are included in clause 3 of the revised draft order.

9. The P.T.C. should see whether the revised draft and order carries out the intention of Government.

Sd/-

for Remembrancer of Legal Affairs.

U.R. to P.T.C. No. 13245

dated the 20th December 1947.

K.V.G.

4 C.